

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THERESA MIDDLETON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:21-CV-599-SPM
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security)	
)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on Acting Commissioner Kilolo Kijakazi's ("the Commissioner's") Motion to Reverse and Remand With Suggestions in Support. (Doc. 20). The Commissioner requests that the Court remand this case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). The time for Plaintiff to file a response has expired. The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 6).

On May 24, 2021, Plaintiff filed a Complaint seeking review of the Commissioner's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed the answer and the transcript of the administrative proceedings on July 27, 2021. (Docs. 13, 14). Plaintiff filed a brief in support of the complaint on August 19, 2021. (Doc. 15).

On November 16, 2021, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of section 205(g) of the Social

Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The Commissioner represents in the motion that upon review of the record, agency counsel requested that the Appeals Council of the Social Security Administration reconsider the Commissioner’s decision, and that the Appeals Council then determined that remand was appropriate for further consideration of Plaintiff’s claim. The Commissioner states that “[u]pon receipt of the Court’s remand order, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) who will be directed to give further consideration to the severity of Plaintiff’s migraines as well as further consideration of the reopening of the prior ALJ decision.” (Doc. 20, at 2).

For the reasons stated in the Commissioner’s motion, and in the absence of any opposition from Plaintiff, the Court finds that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand (Doc. 20) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of December, 2021.